

THE HONORABLE MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

NORTHWEST ADMINISTRATORS, INC.,  
Plaintiff,

v.

KCD TRUCKING INC., a Washington  
corporation,  
Defendant.

NO. 2:22-cv-00856-MJP

PLAINTIFF'S MOTION FOR AND  
AFFIDAVIT FOR ENTRY OF  
DEFAULT JUDGMENT

Pursuant to Rule 55(b) of the Federal Rules of Civil Procedure, Plaintiff prays  
the Court for judgment against Defendant, KCD Trucking Inc.

This motion is based on documents on file with the court and upon the  
attached affidavit of Russell J. Reid and exhibits hereto, the Declaration of Hunter  
Hughes and exhibits thereto, which evidence Plaintiff is entitled to judgment against  
Defendant, KCD Trucking Inc..

DATED this 12th day of September 2022.

REID, MCCARTHY, BALLEW & LEAHY,  
L.L.P.

By: 

Russell J. Reid, WSBA #2560  
100 West Harrison Street, N. Tower, #300  
Seattle WA 98119  
Telephone: (206) 285-0464  
Fax: (206) 285-8925  
Email: rjr@rmbllaw.com  
Attorney for Plaintiff

PLAINTIFF'S MOTION FOR AND AFFIDAVIT  
FOR ENTRY OF DEFAULT JUDGMENT – 2:22-cv-00856-MJP  
Page 1

Reid, McCarthy, Ballew & Leahy, L.L.P.  
ATTORNEYS AT LAW  
100 WEST HARRISON STREET • NORTH TOWER, SUITE 300  
SEATTLE, WASHINGTON 98119  
TELEPHONE: (206) 285-0464 • FAX: (206) 285-8925

RUSSELL J. REID, being first duly sworn on oath, deposes and says:

1. I am one of the Plaintiff's attorneys and make this affidavit in support of Plaintiff's motion for judgment after entry of default.

2. Plaintiff Northwest Administrators, Inc. ("Northwest"), as the authorized administrative agent for and assignee of the Washington Teamsters Welfare Trust Fund (hereinafter "Trust"), brought this action to collect employee benefit contributions, liquidated damages, interest, attorney's fees and costs due by reason of Defendant's employment of members of the bargaining unit represented by Local 174 of the International Brotherhood of Teamsters (hereinafter "Local").

3. As evidenced by the records on file with the court, an Order of Default has been entered against Defendant. (See **Exhibit A** attached hereto).

4. As alleged by Plaintiff in paragraph I of its Complaint, it is a Washington corporation doing business in King County.

5. As alleged by Plaintiff in paragraph V of its Complaint, Defendant is a Washington corporation.

6. The Court has jurisdiction over the subject matter of this action under Section 502 (e)(1) and (f) of the Employee Retirement Income Security Act of 1974

1 ("ERISA"), 29 U.S.C. §1132 (e)(1) and (f) and under Section 301 (a) of the Taft-  
 2 Hartley Act, 29 U.S.C. §185 (a).

3 7. As alleged by Plaintiff in paragraph VI of its Complaint, Defendant is  
 4 bound to a collective bargaining agreement (See, Hughes Dec, **Ex. A**) with the Local  
 5 under which the Defendant is required to promptly and fully report for and pay  
 6 monthly contributions to the Trusts at specified rates for each hour of compensation  
 7 (including overtime, holidays, vacation and sick leave) the Defendant pays to its  
 8 employees who are members of the bargaining unit represented by the Local (such  
 9 bargaining unit members are any of the Defendant's part time or full time employees  
 10 who perform any work task covered by the Defendant's labor agreement with the  
 11 Local, whether or not those employees ever actually join the Local).  
 12

13 8. As alleged by Plaintiff in paragraph VII of its Complaint, Defendant  
 14 specifically accepted the Plaintiff's Trust Agreement. (Hughes Dec., **Ex. B**, Article IV,  
 15 Section 2, p. 8).  
 16

17 9. By accepting the Trust's Agreement and Declaration of Trust,  
 18 Defendant agreed to pay to the Trust liquidated damages equal to twenty percent  
 19 (20%) of all delinquent and delinquently paid contributions and interest at varying  
 20 annual rates (see, **Ex B attached hereto – IRC 6621 Table of Underpayment**  
 21 **Rates (a)(2))** accruing upon such contribution delinquencies, as well as reasonable  
 22 attorneys' fees and costs the Trust incurs in connection with Defendant's unpaid  
 23 obligations. (Hughes Dec., **Ex. B**, Article IV, Section 2, p. 8).  
 24  
 25

10. The Washington Teamsters Welfare Trust Fund sent its Notice of Delinquency letter dated May 24, 2022 to the Defendant for the period January through April 2022, which states, in part:

Trust records indicate payment has not been received for your employees for the employment month(s) of January through April 2022.

**Failure to make this payment would violate your labor agreement and, pursuant to the Trust's delinquency policy and Article IV Section 2 of the Agreement and Declaration of Trust, if your payment and remittance report are not received by the Trust on or before the last business day of this month, liquidated damages of 20% will be assessed along with interest and collection fees.**

(Hughes Dec, Ex. C)

11. Defendant delinquently paid its contributions for the period January 2022 in the amount of \$63.10 due February 10, 2022 and received on July 28, 2022 (**Exhibit D**),. Accordingly, Defendant is obligated to the Trust for liquidated damages in the amount of \$12.62 and interest (through 7/28/22) in the amount of \$0.87 for the period January 2022. (Defendant reported zero hours for the period February 2022 through May 2022).

12. Attached as **Exhibit E** to Hughes' Declaration is a spreadsheet showing the amounts due, their due dates, date paid, and calculations of interest and liquidated damages.

13. Plaintiff has incurred attorneys' fees of \$552.15 and court costs in the amount of \$482.00 in connection with Defendant's unpaid obligations. **Exhibit C**,

1 attached hereto, sets forth the true and correct itemization of attorney and non-  
2 attorney time spent on this matter. The attorney's hourly rate does not incorporate  
3 the cost of work performed by non-attorneys. Consistent with *Trustees of*  
4 *Construction Industry v. Redland Insurance Company*, 460 F.3d 1253 (9<sup>th</sup> cir., 2006)  
5 the award of fees for both attorneys and non-attorneys is customary and fees for both  
6 attorneys and non-attorneys have been approved by numerous judges in the United  
7 States District Court for the Western District of Washington. True and correct copies  
8 of the Orders awarding fees and declarations showing the fees awarded were for  
9 work by attorneys and non-attorneys are attached hereto as **Exhibit D**.  
10

11 14. The attorney fees incurred by Plaintiff include work performed by  
12 attorney, Russell J. Reid, and non-attorneys, Shelly Azus and Jennifer Zagelow.

13 15. Based upon the pleadings heretofore filed with the Court, upon the  
14 foregoing information and exhibits hereto, it has been evidenced as follows:

15 A. This action is properly within the jurisdiction of the Court and  
16 venue is proper;

17 B. Defendant is in default herein;

18 C. Defendant has contractual obligations to promptly and fully to  
19 report for and pay contributions to the Trusts at specified rates on behalf of  
20 each of Defendant's employees who is a member of the bargaining unit  
21 represented by the Local;  
22  
23  
24  
25

1 D. Defendant specifically accepted the Plaintiff Trust's Agreement  
2 and thereby agreed to pay Plaintiff's Trusts liquidated damages equal to  
3 twenty percent (20%) of all delinquent and delinquently paid contributions and  
4 interest at varying rates accruing on the delinquent contributions from the date  
5 due until fully paid, as well as all attorneys' fees and costs including audit  
6 expenses if applicable, which Plaintiff incurs in the collection of all of  
7 Defendant's unpaid obligations;  
8

9 E. Based on Defendant's delinquently paid contributions for the  
10 period January 2022, Defendant is obligated to the Trust for liquidated  
11 damages in the amount of \$12.62 and interest (through 7/28/22) in the amount  
12 of \$0.87.

13 F. Defendant is further liable for attorney's fees of \$552.15 and  
14 court costs of \$482.00 for the period January 2022.

15  
16 16. Accordingly, Plaintiff is entitled to take judgment against Defendant for  
17 the period January 2022 in the total amount of \$1,047.64: \$12.62 in liquidated  
18 damages; \$0.87 in pre-judgment interest; \$552.15 in attorneys' fees, and \$482.00 in  
19 costs.

20 I declare under penalty of perjury under the laws of the State of Washington,  
21 that the foregoing is true and correct.  
22

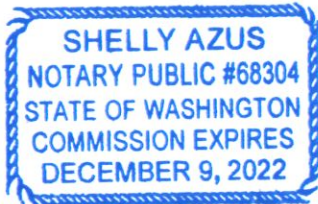
23 //

Executed this 12<sup>th</sup> day of September, 2022, at Seattle, King County,  
Washington.

REID, McCARTHY, BALLEW & LEAHY,  
L.L.P.

By: [Signature]  
Russell J. Reid, WSBA #2560  
100 West Harrison Street, N. Tower, #300  
Seattle WA 98119  
Telephone: (206) 285-0464  
Fax: (206) 285-8925  
Email: rjr@rmbllaw.com  
Attorney for Plaintiff

SUBSCRIBED AND SWORN to before me this 12<sup>th</sup> day of September 2022.



[Signature]  
Print Name: Shelly Azus  
Notary Public in and for the State of  
Washington, residing at Covington WA  
My commission expires: 12-09-2022

EXHIBIT A  
TO  
RUSSELL J. REID'S  
AFFIDAVIT



UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

NORTHWEST ADMINISTRATORS, INC.,

Plaintiff,

v.

KCD TRUCKING, INC., a Washington  
corporation,

Defendant.

NO. 2:22-cv-00856-MJP

ORDER OF DEFAULT

THIS MATTER having come on to be heard on the motion of Plaintiff, Plaintiff appearing through its attorney, Russell J. Reid of Reid, McCarthy, Ballew & Leahy, L.L.P., Defendant, KCD Trucking, Inc., failing to appear, good cause being shown, and the Court being fully advised, now, therefore;

IT IS HEREBY ORDERED that Defendant, KCD Trucking, Inc., is in default.

DONE IN OPEN COURT this 15th day of August, 2022.

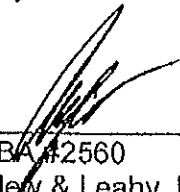
/s/ Ravi Subramanian

UNITED STATES DISTRICT COURT CLERK

ORDER OF DEFAULT -- 2:22-cv-00856-MJP  
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ATTORNEYS AT LAW  
100 WEST HARRISON STREET • NORTH TOWER, SUITE 300  
SEATTLE, WASHINGTON 98119  
TELEPHONE: (206) 285-0464 • FAX: (206) 285-8925

1 Presented for Entry by:

2  
3 By:   
4 Russell J. Reid, WSBA #2560  
5 Reid, McCarthy, Ballew & Leahy, LLP  
6 100 West Harrison Street, N. Tower, #300  
7 Seattle WA 98119  
8 Telephone: (206) 285-0464  
9 Fax: (206) 285-8925  
10 Email: rjr@rmbllaw.com  
11 Attorney for Plaintiff  
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ORDER OF DEFAULT -- 2:22-cv-00856-MJP  
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Reid, McCarthy, Ballew & Leahy, L.L.P.  
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100 WEST HARRISON STREET • NORTH TOWER, SUITE 300  
SEATTLE, WASHINGTON 98119  
TELEPHONE: (206) 285-0464 • FAX: (206) 285-8925

EXHIBIT B  
TO  
RUSSELL J. REID'S  
AFFIDAVIT



## Employee Benefits Security Administration

# IRC 6621 Table of Underpayment Rates

## Table of Interest Rates

IRC 6621(a)(2) and (c)(1) Underpayment Rates

From January 1, 1990 - September 30, 2022

Date	(a)(2) Underpayment Rates	(c)(1) Underpayment Rates
July 1 – September 30, 2022	5%	7%
April 1 – June 30, 2022	4%	6%
January 1 - March 31, 2022	3%	5%
October 1 - December 31, 2021	3%	5%
July 1 – September 30, 2021	3%	5%
April 1 - June 30, 2021	3%	5%
January 1 – March 31, 2021	3%	5%
October 1 – December 31, 2020	3%	5%
July 1 – September 30, 2020	3%	5%
April 1 - June 30, 2020	5%	7%
January 1 – March 31, 2020	5%	7%
October 1 – December 31, 2019	5%	7%
July 1 – September 30, 2019	5%	7%
April 1 – June 30, 2019	6%	8%
January 1 – March 31, 2019	6%	8%
October 1 – December 31, 2018	5%	7%
July 1 – September 30, 2018	5%	7%
April 1 – June 30, 2018	5%	7%
January 1 – March 31, 2018	4%	6%
October 1 – December 31, 2017	4%	6%
July 1 – September 30, 2017	4%	6%
April 1 – June 30, 2017	4%	6%

Motion &amp; Affidavit for Default Judgment

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Date	(a)(2) Underpayment Rates	(c)(1) Underpayment Rates
January 1 – March 31, 2017	4%	6%
October 1 – December 31, 2016	4%	6%
July 1 – September 30, 2016	4%	6%
April 1 – June 30, 2016	4%	6%
January 1 – March 31, 2016	3%	5%
October 1 – December 31, 2015	3%	5%
July 1 – September 30, 2015	3%	5%
April 1 – June 30, 2015	3%	5%
January 1 – March 31, 2015	3%	5%
October 1 – December 31, 2014	3%	5%
July 1 – September 30, 2014	3%	5%
April 1 – June 30, 2014	3%	5%
January 1 – March 31, 2014	3%	5%
October 1 – December 31, 2013	3%	5%
July 1 – September 30, 2013	3%	5%
April 1 – June 30, 2013	3%	5%
January 1 – March 31, 2013	3%	5%
October 1 – December 31, 2012	3%	5%
July 1 – September 30, 2012	3%	5%
April 1 – June 30, 2012	3%	5%
January 1 – March 31, 2012	3%	5%
October 1 – December 31, 2011	3%	5%
July 1 – September 30, 2011	4%	6%
April 1 – June 30, 2011	4%	6%
January 1 – March 31, 2011	3%	5%
October 1 – December 31, 2010	4%	6%
July 1 – September 30, 2010	4%	6%
April 1 – June 30, 2010	4%	6%
January 1 – March 31, 2010	4%	6%

Motion &amp; Affidavit for Default Judgment

Date	(a)(2) Underpayment Rates	(c)(1) Underpayment Rates
October 1 ~ December 31, 2009	4%	6%
July 1 ~ September 30, 2009	4%	6%
April 1 ~ June 30, 2009	4%	6%
January 1 ~ March 31, 2009	5%	7%
October 1 ~ December 31, 2008	6%	8%
July 1 ~ September 30, 2008	5%	7%
April 1 ~ June 30, 2008	6%	8%
January 1 ~ March 31, 2008	7%	9%
October 1 ~ December 31, 2007	8%	10%
July 1 ~ September 30, 2007	8%	10%
April 1 ~ June 30, 2007	8%	10%
January 1 ~ March 31, 2007	8%	10%
October 1 ~ December 31, 2006	8%	10%
July 1 ~ September 30, 2006	8%	10%
April 1 ~ June 30, 2006	7%	9%
January 1 ~ March 31, 2006	7%	9%
October 1 ~ December 31, 2005	7%	9%
July 1 ~ September 30, 2005	6%	8%
April 1 ~ June 30, 2005	6%	8%
January 1 ~ March 31, 2005	5%	7%
October 1 ~ December 31, 2004	5%	7%
July 1 ~ September 30, 2004	4%	6%
April 1 ~ June 30, 2004	5%	7%
January 1 ~ March 31, 2004	4%	6%
October 1 ~ December 31, 2003	4%	6%
July 1 ~ September 30, 2003	5%	7%
April 1 ~ June 30, 2003	5%	7%
January 1 ~ March 31, 2003	5%	7%
October 1 ~ December 31, 2002	6%	8%

Motion &amp; Affidavit for Default Judgment

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Date	(a)(2) Underpayment Rates	(c)(1) Underpayment Rates
July 1 – September 30, 2002	6%	8%
April 1 – June 30, 2002	6%	8%
January 1 – March 31, 2002	6%	8%
October 1 – December 31, 2001	7%	9%
July 1 – September 30, 2001	7%	9%
April 1 – June 30, 2001	8%	10%
January 1 – March 31, 2001	9%	11%
October 1 – December 31, 2000	9%	11%
July 1 – September 30, 2000	9%	11%
April 1 – June 30, 2000	9%	11%
January 1 – March 31, 2000	8%	10%
October 1 – December 31, 1999	8%	10%
July 1 – September 30, 1999	8%	10%
April 1 – June 30, 1999	8%	10%
January 1 – March 31, 1999	7%	9%
October 1 – December 31, 1998	8%	10%
July 1 – September 30, 1998	8%	10%
April 1 – June 30, 1998	8%	10%
January 1 – March 31, 1998	9%	11%
October 1 – December 31, 1997	9%	11%
July 1 – September 30, 1997	9%	11%
April 1 – June 30, 1997	9%	11%
January 1 – March 31, 1997	9%	11%
October 1 – December 31, 1996	9%	11%
July 1 – September 30, 1996	9%	11%
April 1 – June 30, 1996	8%	10%
January 1 – March 31, 1996	9%	11%
October 1 – December 31, 1995	9%	11%
July 1 – September 30, 1995	9%	11%

Motion &amp; Affidavit for Default Judgment

Date	(a)(2) Underpayment Rates	(c)(1) Underpayment Rates
April 1 – June 30, 1995	10%	12%
January 1 – March 31, 1995	9%	11%
October 1 – December 31, 1994	9%	11%
July 1 – September 30, 1994	8%	10%
April 1 – June 30, 1994	7%	9%
January 1 – March 31, 1994	7%	9%
October 1 – December 31, 1993	7%	9%
July 1 – September 30, 1993	7%	9%
April 1 – June 30, 1993	7%	9%
January 1 – March 31, 1993	7%	9%
October 1 – December 31, 1992	7%	9%
July 1 – September 30, 1992	8%	10%
April 1 – June 30, 1992	8%	10%
January 1 – March 31, 1992	9%	11%
October 1 – December 31, 1991	10%	12%
July 1 – September 30, 1991	10%	12%
April 1 – June 30, 1991	10%	12%
January 1 – March 31, 1991	11%	13%
October 1 – December 31, 1990	11%	N/A
July 1 – September 30, 1990	11%	N/A
April 1 – June 30, 1990	11%	N/A
January 1 – March 31, 1990	11%	N/A

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EXHIBIT C  
TO  
RUSSELL J. REID'S  
AFFIDAVIT

Sheet2

Northwest Administrators Inc. v. KCD TRUCKING INC. Attorneys'/Non-Attorneys' Fees and Costs				
FEES				
Date	Description	Tmkpr	Hours	Fees
6/1/2022	Reviewing new referral re KCD Trucking Inc.	RJR	0.13	\$23.40
6/1/2022	Process new referral; draft demand letter to employer	SA	0.30	\$22.50
6/17/2022	TC to Sara re any payments received for 1/22 - 5/22; research registered agent via internet; draft Summons, Complaint, Civil Cover Sheet; draft Corporate Disclosure Statement	SA	0.70	\$52.50
6/17/2022	Reviewing Complaint re KCD Trucking Inc.	RJR	0.25	\$45.00
6/17/2022	Scan and efile Summons, Complaint, Civil Cover Sheet with USDC; pay filing fee via court website	JZ	0.20	\$12.00
6/22/2022	Receive summons issued by USDC; prepare lawsuit for service on employer	SA	0.20	\$15.00
6/27/2022	Scan and efile Proof of Service with USDC	JZ	0.10	\$6.00
7/19/2022	Receive Order re Initial Disclosures etc. from USDC; docket court dates; advise JH of court dates; calendar court dates for JH; prepare for mailing to employer	SA	0.25	\$18.75
7/27/2022	Draft Motion & Affidavit of RJR; draft Proposed Order of Default	SA	0.30	\$22.50
7/27/2022	Reviewing default documents re RJR Enterprises Inc.	RJR	0.25	\$45.00
7/27/2022	Scan and efile default documents with USDC; email proposed Order to Judge	JZ	0.20	\$12.00
9/7/2022	Draft and prepare exhibits to be attached to Judgment documents; draft Motion & Affidavit of RJR; draft Hughes' Declaration; draft proposed Judgment	SA	2.50	\$187.50
9/12/2022	Reviewing Judgment documents re KCD Trucking Inc.	RJR	0.25	\$45.00
9/13/2022	Scan and efile judgment documents with USDC; email proposed judgment to Judge; prepare courtesy copy of judgment documents to be delivered to Judge's chambers	JZ	0.75	\$45.00
	TOTALS			\$552.15
RJR - Russell J. Reid, Attorney - .88 hrs @ \$180 pr hr = \$158.40				
SA - Shelly Azus, Legal Assistant - 4.25 hrs @ \$75 pr hr = \$318.75				
JZ - Jennifer Zagelow, Office Assistant - 1.25 hrs @ \$60 pr hr = \$75.00				
COSTS				
Date	Description			Amount
6/17/2022	Filing fee			\$402.00
6/24/2022	Process Service fee			\$80.00
	TOTAL			\$482.00

EXHIBIT D  
TO  
RUSSELL J. REID'S  
AFFIDAVIT

Sheet4

Lynette 302 & 312 et al, v. Lee Russell Construction, LLC				
Attorneys' Fees and Costs				
FEES				
Date	Description	Time	Hours	Fees
11/27/2012	Telephone call to Pelly re any payments received for July 2012 forward; research registered agent via internet; draft Summons, Complaint, Civil Cover Sheet	SA	0.80	\$30.00
11/27/2012	Reviewing complaint re Lee Russell Construction, LLC	RJR	0.25	\$97.00
11/27/2012	Scan and efile Summons, Complaint, Civil Cover Sheet with USDC; pay filing fee via webells	ST	0.40	\$24.00
11/28/2012	Receive original summons; prepare lawsuit for service on employer	SA	0.20	\$12.00
12/8/2012	Scan and efile Proof of Service with USDC	ST	0.10	\$8.00
12/8/2012	Draft Motion & Affidavit of RJR; draft Proposed Order of Default	SA	0.30	\$10.00
12/8/2012	Reviewing default documents re Lee Russell Construction, LLC	RJR	0.25	\$97.00
12/20/2012	Scan and efile default documents with USDC; email proposed order to Judge	ST	0.20	\$12.00
1/28/2013	Draft Motion & Affidavit of RJR, Hinkle Declaration, Proposed Judgment	SA	2.25	\$130.00
1/28/2013	Reviewing Judgment documents re Lee Russell Construction, LLC	RJR	0.25	\$97.00
1/28/2013	Scan and efile Judgment documents with USDC; email proposed Judgment to Judge	ST	0.60	\$30.00
	<b>TOTAL FEES</b>			<b>\$879.00</b>
	RJR - Russell J. Reid, Attorney - 7.5 hrs @ \$150 pr hr = \$112.50			
	SA - Shelly Azus, Legal Assistant - 3.25 hrs @ \$80 pr hr = \$100.00			
	ST - Shelly Trahin, Office Assistant - 1.20 hrs @ \$60 pr hr = \$72.00			
COSTS				
Date	Description	Amount		
11/20/2012	Filing fee	\$300.00		
11/20/2012	Process Service fee	\$55.00		
	<b>TOTAL COSTS</b>	<b>\$355.00</b>		

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THE HONORABLE ROBERT S. LASNIK

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

LOCALS 302 AND 612 OF THE  
INTERNATIONAL UNION OF  
OPERATING ENGINEERS  
CONSTRUCTION INDUSTRY HEALTH  
AND SECURITY FUND, et al.,

Plaintiffs

v.

LES RUSSELL CONSTRUCTION, LLC, a  
Washington limited liability company,

Defendant,

NO. C12-2072-RSL

ORDER OF JUDGMENT

Summary of Judgment

Judgment Creditor:	Operating Engineers Trust Funds
Judgment Debtor:	Les Russell Construction, LLC
Principal Judgment Amount:	\$11,125.38
Liquidated Damages:	\$1,280.85
Interest to Date of Judgment:	\$499.30
Attorney Fees:	\$379.50
Costs:	\$405.00
Other Recovery Amounts:	NONE
Percent Interest on Principal:	Twelve percent (12%) per annum
Interest Rate on Costs:	NONE
Attorneys for Judgment Creditor:	Reid, Pederson, McCarthy & Bellow, L.L.P.

ORDER OF JUDGMENT - C12-2072-RSL

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Case 2:22-cv-02072-RSL Document 8 Filed 02/06/13 Page 2 of 2

THIS MATTER coming on for consideration upon Plaintiffs' motion for judgment against the Defendant, Plaintiffs being represented by their attorney, Russell J. Reld of Reld, Pederson, McCarthy & Bellow, L.L.P., Defendant not being represented, and the Court having reviewed the records and file herein, including the affidavit of Russell J. Reld and the exhibits thereto and the Declaration of Patricia Hinkle and the exhibits thereto in support of Plaintiffs' motion, and being fully advised in the premises, now, therefore, it is hereby

ORDERED, ADJUDGED AND DECREED that Plaintiffs be and hereby are awarded judgment against Defendant in the amounts hereinafter listed, which amounts are due the Plaintiff Trusts by Defendant for its inclusive employment of members of the bargaining unit represented by Local 302 with which the Defendant has a valid collective bargaining agreement and which amounts are due by reason of its specific acceptance of the Declarations of Trust for the employment period July 2012 through November 2012: for contributions of \$10,486.06, for dues of \$639.32, for liquidated damages of \$1,280.85, for pre-judgment interest of \$499.30, for attorneys' fees of \$379.50, and for costs of \$405.00; all for a total of \$13,690.03.

JUDGMENT ENTERED this 5th day of February, 2013.

  
UNITED STATES DISTRICT JUDGE

ORDER OF JUDGMENT -- 02-2072-RSL  
Page 2 of 2  
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THE HONORABLE ROBERT S. LASNIK

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

LOCALS 902 AND 612 OF THE  
INTERNATIONAL UNION OF  
OPERATING ENGINEERS  
CONSTRUCTION INDUSTRY HEALTH  
AND SECURITY FUND, et al.,

Plaintiffs

v.

LES RUSSELL CONSTRUCTION, LLC, a  
Washington limited liability company,

Defendant.

NO. C12-2072-RSL

MOTION FOR AND AFFIDAVIT FOR  
ENTRY OF DEFAULT JUDGMENT

Pursuant to Rule 55(b) of the Federal Rules of Civil Procedure, Plaintiffs pray the  
Court for judgment against Defendant, Les Russell Construction, LLC.

This motion is based on documents on file with the court, upon the attached affidavit  
of Russell J. Reid and exhibits hereto, and upon the Declaration of Patricia Hinkle and  
exhibits thereto, which evidence Plaintiffs are entitled to judgment against Defendant, Les  
Russell Construction, LLC.

MOTION FOR AND AFFIDAVIT FOR ENTRY OF  
DEFAULT JUDGMENT - C12-2072-RSL  
Page 1

Reid, Pedersen, McCarthy & Ballev, L.L.P.  
ATTORNEYS AT LAW  
103 WEST HANUSON STREET • NORTH TOWN, SUITE 100  
SEATTLE, WASHINGTON 98109  
TELEPHONE (206) 465-0161 • FAX (206) 205-6925  
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Russell J. Rold, WSB 472560  
Attorney for Plaintiffs

STATE OF WASHINGTON. )  
County of King ) ss.

1. I am one of the Plaintiffs' attorneys and make this affidavit in support of their motion for judgment after entry of default.
2. Plaintiffs brought this action to collect contributions, dues, liquidated damages, interest, attorney's fees and costs due them by reason of Defendant's employment of members of the bargaining unit represented by Local 302 of the International Union of Operating Engineers, with which the Defendant has a valid labor contract, and by reason of its acceptance of Plaintiff Trusts' Agreements & Declarations of Trust (hereinafter "Trust Agreements").
3. As evidenced by the records on file with the Court, an Order of Default has been entered against Defendant, (See Exhibit A attached).

**Rold, Pedersen, McCarthy & Ballew, L.L.P.**  
ATTORNEYS AT LAW  
146 WEST HARRISON STREET • NORTH TOWN, SUITE 300  
SUITE 101, WASHINGTON FIELD  
TEL: (202) 765-0141 • FAX: (202) 765-8923  
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1 4. The Court has jurisdiction over the subject matter of this action under Section 502  
 2 (e)(1) and (f) of the Employee Retirement Income Security Act of 1974  
 3 ("ERISA"), 29 U.S.C. §1132 (e)(1) and (f) and under Section 301 (a) of the Taft-  
 4 Hartley Act, 29 U.S.C. §185 (a).

5 5. Venue is proper in this district under Section 502 (e)(2) of ERISA, 29 U.S.C.  
 6 §1132 (e)(2), because plaintiff Trusts are administered in this district.

7 6. As alleged in COUNT ONE, paragraph I of Plaintiffs' complaint, Plaintiff Trusts  
 8 are unincorporated associations operating as Trust Funds pursuant to Section 302  
 9 of the Labor Management Relations Act of 1947, as amended, under the respective  
 10 names of Locals 302 and 612 of the International Union of Operating Engineers-  
 11 Construction Industry Health & Security Fund, Locals 302 and 612 of the  
 12 International Union of Operating Engineers-Employers Construction Industry  
 13 Retirement Fund, and Western Washington Operating Engineers-Employers  
 14 Training Fund, to provide medical, retirement, and training benefits to eligible  
 15 participants. Plaintiffs' offices are located in King County, Washington.

16 7. As alleged in COUNT ONE, paragraph V of Plaintiffs' complaint, Defendant is  
 17 bound to a collective bargaining agreement (*see*, *Kinko Doc., Ex. A*) with Local  
 18 302 of the International Union of Operating Engineers (hereinafter "Local"), under  
 19 which Defendant is required to promptly and fully report for and pay monthly  
 20 contributions to the Plaintiffs at varying, specified rates for each hour of  
 21 compensation Defendant pays to its employees who are members of the bargaining  
 22

23 MOTION FOR AND AFFIDAVIT FOR ENTRY OF  
 24 DEFAULT JUDGMENT—C12-2072-RSL  
 25 Page 3

Rold, Pedersen, McCarthy & Ballew, L.L.P.  
 ATTORNEYS AT LAW  
 100 WEST HARRISON STREET • SEATTLE, WASHINGTON 98101  
 TELEPHONE (206) 461-0161 • FAX (206) 461-4915  
 CWS/SLP

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1 unit represented by the Local (such bargaining unit members are any of  
 2 Defendant's part time or full time employees who perform any work tasks covered  
 3 by Defendant's labor contract with the Local, whether or not those employees  
 4 actually join the Local). (see, Exhibit Dec., Ex. B-D),

5  
 6 8. As alleged in COUNT ONE, paragraph VI of Plaintiffs' complaint, Defendant  
 7 accepted Plaintiffs' respective Agreements and Declarations of Trust and thereby  
 8 agreed to pay to each of Plaintiff Trusts liquidated damages equal to twelve  
 9 percent (12%) of all delinquent and delinquently paid contributions, or \$25.00 per  
 10 month, whichever is greater, and twelve percent (12%) annual interest accruing  
 11 upon each monthly contribution delinquency from the first day thereof until fully  
 12 paid, as well as all attorneys fees and costs, including audit expenses if applicable,  
 13 which Plaintiffs incur in the collection of all of Defendant's unpaid obligations.  
 14 (see, Exhibit Dec., Ex. B-D).

15  
 16 9. As alleged in COUNT TWO, paragraph I of Plaintiffs' complaint, Plaintiff Local  
 17 302 of the International Union of Operating Engineers is a labor organization with  
 18 its principal offices in King County, and brings this action pursuant to Section 301  
 19 of the Labor Management Relations Act of 1947, as amended.

20  
 21 10. As alleged in COUNT TWO, paragraph II of Plaintiffs' complaint, Defendant is a  
 22 Washington limited liability company.  
 23  
 24  
 25  
 26

MOTION FOR AND AFFIDAVIT FOR ENTRY OF  
 DEFAULT JUDGMENT - 012-2072-RSL  
 Page 4

Reid, Pedersen, McCarthy & Ballou, L.L.P.  
 ATTORNEYS AT LAW  
 100 WEST HARRISON STREET • NORTH TOWER, SUITE 200  
 SEATTLE, WASHINGTON 98109  
 TELEPHONE: (206) 465-9161 • FAX: (206) 241-0215  
 9/13/22

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11. As alleged in COUNT TWO, paragraph III of Plaintiffs' complaint, Defendant entered into an agreement with the Local, whereunder Defendant agreed to deduct from the periodic paychecks of Defendant's employees who are represented by the Local specified amounts for each hour of compensation Defendant pays to those employees and to remit the total thus deducted each month to the Trusts no later than the fifteenth (15th) of the month immediately following the month in which such deductions were made.
12. Defendant submitted its reports for the period July 2012 through November 2012, but failed to pay the contributions and dues owed in the amount of \$11,125.38 to the Trust for that period. Accordingly, Defendant is obligated to the Trust Funds for contributions in the amount of \$10,486.06, for dues in the amount of \$639.32, for liquidated damages in the amount of \$1,280.85, and for interest (from 1/25/13) in the amount of \$499.30 for the period July 2012 through November 2012.
13. Exhibit F attached to Patricia Wintle's Declaration reflects the date when contributions were due, and also includes calculations of liquidated damages and pre-judgment interest.
14. Plaintiff Trusts have incurred attorneys' fees of \$379.50 and court costs of \$405.00 in connection with Defendant's unpaid obligations. (See, Ex. B attached hereto).
15. Based upon the pleadings heretofore filed with the Court, upon the foregoing information and exhibits hereto, it has been evidenced as follows:

MOTION FOR AND AFFIDAVIT FOR ENTRY OF  
 DEFAULT JUDGMENT ~ C12-2012-RSL  
 Page 3

Reld, Pedersen, McCarthy & Ballew, L.L.C.  
 ATTORNEYS AT LAW  
 100 WEST HARRISON STREET • NORTH TOWER, SUITE 1100  
 SEATTLE, WASHINGTON 98101  
 TELEPHONE (206) 285-0166 • FAX (206) 285-0125  
 www.rpmlaw.com

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1 A. This action is properly within the jurisdiction of the Court and venue is proper;

2 B. Defendant has contractual obligations to promptly and fully to report for and  
3 pay contributions and dues to Plaintiff Trusts on behalf of each of its  
4 employees who are members of the bargaining unit represented by the Local;

5 C. Defendant specifically accepted the Plaintiff Trusts' Trust Agreements and  
6 thereby agreed to pay each of Plaintiff Trusts liquidated damages equal to  
7 twelve percent (12%) of all delinquent and delinquently paid contributions, or  
8 \$25.00 per month, whichever is greater, and twelve percent (12%) annual  
9 interest accruing upon each monthly contribution delinquency from the first  
10 day thereof until fully paid, as well as all attorneys fees and costs, which  
11 Plaintiff Trusts incurred in the collection of all of Defendant's unpaid  
12 obligations;

13  
14  
15  
16 16. Defendant submitted its reports for the period July 2012 through November 2012,  
17 but failed to pay the contributions and dues owed in the amount of \$11,125.38 to  
18 the Trust for that period. Accordingly, Defendant is obligated to the Trust Funds  
19 for contributions in the amount of \$10,486.06, for dues in the amount of \$639.32,  
20 for liquidated damages in the amount of \$1,280.83, and for interest (thru 1/25/13)  
21 in the amount of \$499.30 for the period July 2012 through November 2012.

22  
23 17. Plaintiff Trusts incurred attorneys' fees of \$379.50 and court costs of \$405.00 in  
24 connection with Defendant's unpaid obligations.  
25

26  
MOTION FOR AND AFFIDAVIT FOR ENTRY OF  
DEFAULT JUDGMENT - C12-2072-RSL  
Page 6

Rold, Pedersen, McCarthy & Bullock, L.L.P.  
ATTORNEYS AT LAW  
100 WEST HARRISON STREET • NORTH TOWN, SUITE 1100  
SEATTLE, WASHINGTON 98109  
TELEPHONE (206) 283-9161 • FAX (206) 283-9322  
www.rpmllp.com

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18. Plaintiffs are entitled to take judgment against Defendant for the total amount of \$13,690.03; \$10,486.06 in contributions, \$639.32 in dues, \$1,280.83 in liquidated damages; \$499.30 in pre-judgment interest; \$379.50 in attorneys' fees and \$405.00 in costs.

I declare under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct.

Executed this 25th day of January 2013, at Seattle, King County, Washington.

Russell J. Reid, WABA No. 2560

SUBSCRIBED AND SWORN to before me this 25th day of January, 2013.



Print Name: Shelly Azide  
Notary Public in and for the State of  
Washington, residing at Covington WA  
My commission expires: 12/9/14

MOTION FOR AND AFFIDAVIT FOR ENTRY OF  
DEFAULT JUDGMENT - C12-2072-RSL  
Page 7

Reid, Pedersen, McCarthy & Ballew, L.L.C.  
ATTORNEYS AT LAW  
100 WEST HARRISON STREET • NORTH TOWER, SUITE 100  
SEATTLE, WASHINGTON 98109  
TELEPHONE (206) 245-0141 • FAX (206) 245-3913  
WWW.RPMBLLC.COM

Sheet2

Northwest Administrators, Inc. v. Robert Rainey, D/b/a Coast to Coast I and D, LLC Attorneys' Fees and Costs				
Date	Description	Time	Hours	Fees
12/27/2012	Reviewing new referral re Coast to Coast I & D LLC	RJR	0.15	\$32.80
12/27/2012	Process new referral; draft demand letter to employer	SA	0.80	\$80.00
1/7/2013	TO to Debbie re any payments received; research registered agent via Internet; draft Summons, Complaint, Civil Cover Sheet	SA	0.50	\$50.00
1/7/2013	Reviewing complaint re Coast to Coast I & D LLC	RJR	0.25	\$82.00
1/10/2013	Scan and efile Summons, Complaint, Civil Cover Sheet with USDC; pay filing fee via webfile	ST	0.30	\$10.00
1/10/2013	Receive Order Regarding Discovery & Depositions, Notice of Participation of Cameras in the Courtroom, Notification Regarding Proposed Video Recording, Minute Entry re Status Conference; docket court date; advise TL of court date; attend at court date for TL; prepare documents for mailing to employer	SA	0.25	\$25.00
1/10/2013	Receive original summons issued by USDC; prepare lawsuit for service on defendant; draft Corporate Disclosure Statement	SA	0.40	\$40.00
1/10/2013	Scan and efile Corporate Disclosure Statement with USDC	ST	0.10	\$0.00
1/17/2013	Process payment; draft payment letter to NWA; calculate amount owed; draft 1st demand letter to employer	SA	0.50	\$80.00
1/17/2013	Reviewing payment re Coast to Coast I & D LLC	RJR	0.12	\$30.00
1/24/2013	Scan and efile Proof of Service with USDC	ST	0.10	\$0.00
2/7/2013	Draft Motion & Affidavit of RJR; draft Proposed Order of Default	SA	0.30	\$30.00
2/7/2013	Reviewing default documents re Coast to Coast I & D LLC	RJR	0.25	\$82.80
2/17/2013	Scan and efile default documents with USDC; email proposed order to Judge	ST	0.20	\$12.00
2/18/2013	Draft and prepare exhibits to be attached to Judgment documents; draft Motion & Affidavit of RJR; draft Lerner Declaration; draft Proposed Judgment	SA	2.00	\$200.00
2/18/2013	Reviewing Judgment documents re Coast to Coast I & D LLC	RJR	0.25	\$82.50
2/20/2013	Scan and efile Judgment documents with USDC; email proposed Judgment to Judge	ST	0.50	\$30.00
	TOTAL FEES			\$747.00
	RJR - Russell J. Rainey - 1 hr @ \$200 pr hr = \$200.00 SA - Shelly Azus, Legal Assistant - 4.25 hrs @ \$100 pr hr = \$425.00 ST - Shelly Tralini, Office Assistant - 1.20 hrs @ \$60 pr hr = \$72.00			
	COSTS			
1/10/2013	Filing fee			\$650.00
1/10/2013	Process Service fee			\$70.00
	TOTAL COSTS			\$720.00

Page 1

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THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

NORTHWEST ADMINISTRATORS  
INC,

CASE NO. CL3-0034-JCC

DEFAULT JUDGMENT.

Plaintiff,

v.

ROBERT RAINEY, d/b/a COAST TO  
COAST I AND D, LLC,

Defendant.

Summary of Judgment

Judgment Creditor:	Northwest Administrators, Inc.
Judgment Debtor:	Robert Rainey, d/b/a Coast to Coast I and D, LLC
Liquidated Damages	\$78.74
Interest to Date of Judgment:	\$6.60
Attorneys Fees:	\$747.00
Costs:	\$425.00
Other Recovery Amount:	NONE
Interest Rate on Costs:	NONE
Attorneys for Judgment Creditor:	Reld, Pedersen, McCarthy & Ballew, L.L.P.

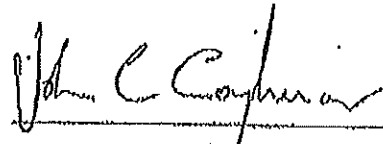
DEFAULT JUDGMENT  
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1 THIS MATTER comes before the Court on Plaintiff's motion for default judgment  
 2 against the Defendant. (Dkt. No. 13.) The motion is GRANTED. Plaintiff is awarded judgment  
 3 against Defendant in the amounts hereinafter listed, which amounts are due the Plaintiff's Trust  
 4 by Defendant for its inclusive employment of members of the bargaining unit represented by  
 5 Local 631, with which the Defendant has a valid collective bargaining agreement, and which  
 6 amounts are due by reason of its specific noncompliance of the Decisions of Trust for the month  
 7 of October 2012: for liquidated damages of \$78.74; for pre-judgment interest of \$6.60; for  
 8 attorneys fees of \$747.00; and for costs of \$425.00 all for a total of \$1,257.34.  
 9

10 DATED this 22nd day of February 2013.  
 11  
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 13  
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John C. Coughenour  
 UNITED STATES DISTRICT JUDGE

DEFAULT JUDGMENT  
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THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

NORTHWEST ADMINISTRATORS, INC.,  
Plaintiff,

NO. C13-34-JCC

v.

ROBERT RAINEY, d/b/a COAST TO  
COAST LAND D, LLC, an inactive Florida  
limited liability company,  
Defendant.

PLAINTIFF'S MOTION FOR AND  
AFFIDAVIT FOR ENTRY OF DEFAULT  
JUDGMENT

Pursuant to Rule 55(b) of the Federal Rules of Civil Procedure, Plaintiff prays the  
Court for judgment against Defendant, Robert Rainey, d/b/a Coast to Coast Land D, LLC.

This motion is based on documents on file with the court and upon the attached  
affidavit of Russell J. Reid and exhibits hereto, the Declaration of Andrew Lerner and exhibits  
thereto, which evidence Plaintiff is entitled to judgment against Defendant, Robert Rainey,  
d/b/a Coast to Coast Land D, LLC.

DATED this 28<sup>th</sup> day of February, 2013.

REID, PEDERSEN, MCCARTHY & BALLEW,  
LLP.

Russell J. Reid, WSBA #12560  
Attorney for Plaintiff

PLAINTIFF'S MOTION FOR AND AFFIDAVIT FOR  
ENTRY OF DEFAULT JUDGMENT - C13-34-JCC  
Page 1

Reid, Pedersen, McCarthy & Ballew, LLP  
ATTORNEYS AT LAW  
100 WEST HARRISON STREET • NORTH TOWN, SUITE 300  
SEATTLE, WASHINGTON 98119  
TELEPHONE: (206) 205-0151 • FAX: (206) 205-8923  
02/13/13

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## AFFIDAVIT

STATE OF WASHINGTON

County of King

}

RUSSELL J. REID, being first duly sworn on oath, deposes and says:

1. I am one of the Plaintiff's attorneys and make this affidavit in support of Plaintiff's motion for judgment after entry of default.
2. Plaintiff Northwest Administrators, Inc. ("Northwest"), as the authorized administrative agent for and assignee of the Western Conference of Teamsters Pension Trust Fund (hereinafter "Trust"), brought this action to collect employee benefit contributions, liquidated damages, interest, attorney's fees and costs due by reason of Defendant's employment of members of the bargaining unit represented by Local 631 of the International Brotherhood of Teamsters (hereinafter "Local").
3. As evidenced by the records on file with the court, an Order of Default has been entered against Defendant. (See Exhibit A attached hereto).
4. As alleged by Plaintiff in paragraph I of its Complaint, it is a Washington corporation doing business in King County.
5. As alleged by Plaintiff in paragraph V of its Complaint, Defendant is the President of Coast to Coast Land D, LLC, an inactive Alaska limited liability company.
6. The Court has jurisdiction over the subject matter of this action under Section 502 (e)(1) and (f) of the Employee Retirement Income Security Act of 1974.

PLAINTIFF'S MOTION FOR AND AFFIDAVIT FOR  
ENTRY OF DEFAULT JUDGMENT - C13-34-JCC  
Page 2

Reid, Pedersen, McCarthy & Ballew, L.L.P.  
ATTORNEYS AT LAW  
100 WEST HARRISON STREET • NORTH TOWN, SUITE 100  
SEATTLE, WASHINGTON 98109  
TELEPHONE (206) 441-9111 • FAX (206) 241-9291  
0-0380-01

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("ERISA"), 29 U.S.C. §1132 (e)(1) and (2) and under Section 301 (a) of the Taft-Hartley Act, 29 U.S.C. §185 (a).

7. As alleged by Plaintiff in paragraph VI of its Complaint, Defendant is bound to a collective bargaining agreement (See Lerner Dec. Ex. A) with the Trust under which the Defendant is required to promptly and fully report for and pay monthly contributions to the Trust at specified rates for each hour of compensation (including overtime, holidays, vacation and sick leave) the Defendant pays to its employees who are members of the bargaining unit represented by the Local (such bargaining unit members are any of the Defendant's part time or full time employees who perform any work task covered by the Defendant's labor agreement with the Local, whether or not those employees ever actually join the Local).

8. As alleged by Plaintiff in paragraph VII of its Complaint, Defendant specifically accepted the Plaintiff's Trust Agreement. (Lerner Dec., Ex. B, Article IV, Section 3, pp. 6-7).

9. By accepting the Trust's Agreement and Declaration of Trust, Defendant agreed to pay to the Trust liquidated damages equal to twenty percent (20%) of all delinquent and delinquently paid contributions and interest at varying annual rates (see, Ex B attached hereto -- IRC 6621 Table of Underpayment Rates (a)(2)) accruing upon such contribution delinquencies, as well as reasonable attorneys'

PLAINTIFF'S MOTION FOR AND AFFIDAVIT FOR  
ENTRY OF DEFAULT JUDGMENT -- 013-34-JCC  
Page 3

Reid, Pedersen, McCarthy & Balfour, L.L.P.  
ATTORNEYS AT LAW  
100 WEST MARSHFIELD STREET • NORTH TOWN, SUITE 100  
SEATTLE, WASHINGTON 98109  
TELEPHONE (206) 287-0141 • FAX (206) 205-6925  
www.rpmlaw.com

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fees and costs the Trust incurs in connection with Defendant's unpaid obligations, (Lerner Dec., Ex. B, Article IV, Section 3, pp. 6-7).

10. Defendant made delinquent payment of Trust contributions for the month of October 2012.

11. Based on Defendant's delinquent payment of contributions for the period October 2012, Defendant is accordingly obligated for liquidated damages in the amount of \$78.74, as well as interest at the rate of three percent (3%) per annum (see Exhibit B attached hereto) (through 1/17/13) in the amount of \$6.60 for the month of October 2012.

12. See, Lerner Dec., Ex. D attached hereto, which is a spreadsheet showing the amounts due, their due dates, dates of payment, and calculations of interest and liquidated damages.

13. Plaintiff has incurred attorneys' fees of \$747.00 and court costs of \$425.00 in connection with Defendant's unpaid obligations. (Exhibit C attached hereto).

14. Based upon the pleadings heretofore filed with the Court, upon the foregoing information and exhibits hereto, it has been evidenced as follows:

A. This action is properly within the jurisdiction of the Court and venue is proper;

B. Defendant is in default hereto;

C. Defendant has contractual obligations to promptly and fully to report for and pay contributions to the Trust at specified rates on behalf of each of

PLAINTIFF'S MOTION FOR AND AFFIDAVIT FOR  
ENTRY OF DEFAULT JUDGMENT--C13-34-JCC  
Page 4

Kold, Pedersen, McCarthy & Ballew, L.L.P.  
ATTORNEYS AT LAW  
165 WEST HARRISON STREET • NORTH TOWN, SUITE 100  
SEATTLE, WASHINGTON 98101  
TEL: (206) 465-1161 • FAX: (206) 465-4911  
www.kpc.com

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Defendant's employees who is a member of the bargaining unit represented by the Union;

D. Defendant specifically accepted the Plaintiff Trust's Agreement and thereby agreed to pay Plaintiff Trust liquidated damages equal to twenty percent (20%) of all delinquent and delinquently paid contributions and interest at varying rates according on the delinquent contributions from the date due until fully paid, as well as all attorneys' fees and costs including audit expenses if applicable, which Plaintiff incurs in the collection of all of Defendant's unpaid obligations;

E. Based on Defendant's delinquently paid contributions for the month of October 2012, Defendant is liable for liquidated damages of \$78.74, as well as interest in the amount of \$6.60 for the period of October 2012.

F. Defendant is further liable for attorney's fees of \$747.00 and costs of \$425.00.

15. Accordingly, Plaintiff is entitled to take judgment against Defendant for the total amount of \$1,257.34: \$78.74 in liquidated damages; \$6.60 in pre-judgment interest; \$747.00 in attorneys' fees, and \$425.00 in costs.

I declare under penalty of perjury under the laws of the State of Washington, that the foregoing is true and correct.

Executed this 27th day of February, 2013, at Seattle, King County, Washington.

Russell J. Rold, WBSA #2560

PLAINTIFF'S MOTION FOR AND AFFIDAVIT FOR  
ENTRY OF DEFAULT JUDGMENT - 013-04-JCC  
Page 5

Rold, Pederson, McCarthy & Ballou, L.L.C.  
ATTORNEYS AT LAW  
100 WEST MARSHFIELD STREET • NORTH TOWNSHIP, MINN  
SEATTLE, WASHINGTON 98119  
TEL: (206) 465-0161 • FAX: (206) 255-0115  
04/08/10

Case 2:23-cv-00034-JCC Document 13 Filed 02/20/23 Page 6 of 6

SUBSCRIBED AND SWORN to before me this 15<sup>th</sup> day of February 2023,



Shelly Azus  
Print Name: Shelly Azus  
Notary Public in and for the State of  
Washington, residing at Covington WA  
My commission expires: 12/09/24

PLAINTIFF'S MOTION FOR AND AFFIDAVIT FOR  
ENTRY OF DEFAULT JUDGMENT -- 03-34-JCC,  
Page 6

Rold, Pederson, McCarthy & Ballew, L.L.P.  
ATTORNEYS AT LAW  
100 WEST HARRISON STREET • NORTH TOYOTA SUITE 300  
SEATTLE, WASHINGTON 98119  
TELEPHONE: (206) 261-0111 • FAX: (206) 261-0121  
WWW.RPMBLLP.COM

Sheet2

Northwest Administrators, Inc. v. Curtin's Airfreight, Incorporated Attorneys'(Non-Attorneys' Fees and Costs				
FEES				
Date	Description	Timekeeper	Hours	Fees
2/6/2013	Reviewing complaint re Curtin's Airfreight, Incorporated	RJR	0.25	\$82.50
2/5/2013	TC to Martha re any payments received for 9/12 forward; conference with RJR re commencing lawsuit for the period 9/12 forward; research registered agent via Internet; draft Summons, Complaint, Civil Cover Sheet	SA	0.60	\$80.00
2/6/2013	Scan and efile Summons, Complaint, Civil Cover Sheet with USDC; pay filing fee via webportal	ST	0.30	\$18.00
2/7/2013	Draft Corporate Disclosure Statement; receive original summons issued by USDC; prepare lawsuit for service on employer	SA	0.40	\$40.00
2/7/2013	Scan and efile Corporate Disclosure Statement with USDC	ST	0.10	\$6.00
2/26/2013	Scan and efile Proof of Service with USDC	ST	0.10	\$6.00
3/14/2012	Reviewing default documents re Curtin's Airfreight, Incorporated	RJR	0.25	\$82.50
3/14/2012	Draft Motion & Affidavit of RJR; draft Proposed Order of Default	SA	0.30	\$30.00
3/16/2013	Scan and efile default documents with USDC; email proposed Order to Judge	ST	0.20	\$12.00
3/21/2013	Draft Subpoena Duces Tecum; draft cover letter to defendant; draft letter to process server enclosing subpoena, witness fee, mileage fee and cover letter to defendant for service on defendant	SA	0.50	\$50.00
4/26/2013	Receive remittance reports from Defendant pursuant to Subpoena; calculate amounts owed; draft and prepare exhibits to be attached to Judgment documents; draft Motion & Affidavit of RJR; draft Declaration of Jim Helmers; draft Proposed Order	SA	2.00	\$250.00
4/26/2013	Reviewing Judgment documents re Curtin's Airfreight, Incorporated	RJR	0.25	\$82.50
4/26/2013	Scan and efile Judgment documents with USDC; email proposed Judgment to Judge	ST	0.50	\$30.00
	TOTAL FEES			\$899.50
	RJR - Russell J. Rold, Attorney - .75 hrs @ \$250 pr hr = \$187.50 SA - Shelly Aziza, Legal Assistant - 4.30 hrs @ \$100 pr hr = \$430.00 ST - Shelly Trahin, Office Assistant - 1.20 hrs @ \$60 pr hr = \$72.00			
COSTS				
Date	Description			Amount
2/6/2013	Filing fee			\$350.00
2/14/2013	Process Service fee (lawsuit)			\$80.00
4/1/2013	Process Service fee (subpoena)			\$80.00
4/1/2013	Mileage fee (subpoena)			\$49.49
4/1/2013	Witness fee (subpoena)			\$40.00
	TOTAL COSTS			\$899.49



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THE HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

NORTHWEST ADMINISTRATORS, INC.,

Plaintiff,

v.

CURTIN'S AIRFREIGHT,  
INCORPORATED, a California corporation,

Defendant.

NO. C13-213-RAJ

DEFAULT JUDGMENT

Summary of Judgment

Judgment Creditor:	Northwest Administrators, Inc.
Judgment Debtor:	Curtin's Airfreight, Incorporated
Principal Judgment Amount	\$94,004.74
Liquidated Damages	\$18,800.95
Interest to Date of Judgment:	\$806.99
Attorneys' Fees:	\$689.50
Costs:	\$599.49
Other Recovery Amounts:	NONE
Percent Interest on Principal:	Three percent (3%) per annum
Interest Rate on Costs:	NONE
Attorneys for Judgment Creditor:	Reid, Pedersen, McCarthy & Ballew, L.L.P.

In accordance with the court's order granting Plaintiff's motion for default judgment, the court awards judgment against Defendant in the amounts hereinafter listed, which amounts are due the Plaintiff's Trust by Defendant for its inclusive employment of members

JUDGMENT - C13-213-RAJ

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JUDGMENT ENTERED this 1st day of May, 2013

/s/ Consuelo Ledesma  
Deputy Clerk

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THE HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

NORTHWEST ADMINISTRATORS, INC.,

Plaintiff,

v.

CURTIN'S AIRFREIGHT,  
INCORPORATED, a California corporation,

Defendant.

NO. C13-213-RAJ

PLAINTIFF'S MOTION FOR AND  
AFFIDAVIT FOR ENTRY OF DEFAULT  
JUDGMENT

Pursuant to Rule 55(b) of the Federal Rules of Civil Procedure, Plaintiff prays the Court for judgment against Defendant, Curtin's Airfreight, Incorporated.

This motion is based on documents on file with the court and upon the attached affidavit of Russell J. Reid and exhibits hereto, the Declaration of James Helmers and exhibits thereto, which evidence Plaintiff is entitled to judgment against Defendant, Curtin's Airfreight, Incorporated.

DATED this 28th day of April, 2013.

REID, PEDERSEN, McCARTHY & BALLEW,  
L.L.P.

Russell J. Reid, WSEA #2560  
Attorney for Plaintiff

PLAINTIFF'S MOTION FOR AND AFFIDAVIT FOR  
ENTRY OF DEFAULT JUDGMENT--C13-213-RAJ  
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Reid, Pedersen, McCarthy & Ballew, L.L.P.  
ATTORNEYS AT LAW  
100 WEST HARRISON STREET • NORTH TOWN, SUITE 300  
SEATTLE, WASHINGTON 98119  
TELEPHONE: (206) 263-0164 • FAX: (206) 285-6925  
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## AFFIDAVIT

STATE OF WASHINGTON )

County of King ) ss.

RUSSELL J. RBID, being first duly sworn on oath, deposes and says:

1. I am one of the Plaintiff's attorneys and make this affidavit in support of Plaintiff's motion for judgment after entry of default.
2. Plaintiff Northwest Administrators, Inc. ("Northwest"), as the authorized administrative agent for and assignee of the Western Conference of Teamsters Pension Trust Fund (hereinafter "Trust"), brought this action to collect employee benefit contributions, liquidated damages, interest, attorney's fees and costs due by reason of Defendant's employment of members of the bargaining unit represented by Local 624 of the International Brotherhood of Teamsters (hereinafter "Local").
3. As evidenced by the records on file with the court, an Order of Default has been entered against Defendant. (See Exhibit A attached hereto).
4. The Court has jurisdiction over the subject matter of this action under Section 502 (e)(1) and (f) of the Employee Retirement Income Security Act of 1974 ("ERISA"), 29 U.S.C. §1132 (e)(1) and (f) and under Section 301 (a) of the Taft-Hartley Act, 29 U.S.C. §185 (a).
5. Venue is proper in this district under Section 502 (e)(2) of ERISA, 29 U.S.C. §1132 (e)(2), because plaintiff Trusts are administered in this district.

PLAINTIFF'S MOTION FOR AND AFFIDAVIT FOR  
ENTRY OF DEFAULT JUDGMENT -- C13-213-RAJ  
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Reld, Pedersen, McCarthy & Ballew, L.L.P.  
ATTORNEYS AT LAW  
100 WEST HARRISON STREET • NORTH TOWER, SUITE 100  
SEATTLE, WASHINGTON 98119  
TELEPHONE: (206) 285-0161 • FAX: (206) 285-4925  
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6. As alleged by Plaintiff in paragraph I of its Complaint, it is a Washington corporation doing business in King County.
7. As alleged by Plaintiff in paragraph V of its Complaint, Defendant is a California corporation.
6. As alleged by Plaintiff in paragraph VI of its Complaint, Defendant is bound to a collective bargaining agreement (See Helmers Dec., Ex. A) with the Trust under which the Defendant is required to promptly and fully report for and pay monthly contributions to the Trust at specified rates for each hour of compensation (including overtime, holidays, vacation and sick leave) the Defendant pays to its employees who are members of the bargaining unit represented by the Local (such bargaining unit members are any of the Defendant's part time or full time employees who perform any work task covered by the Defendant's labor agreement with the Local, whether or not those employees ever actually join the Local).
7. As alleged by Plaintiff in paragraph VII of its Complaint, Defendant specifically accepted the Plaintiff's Trust Agreement. (Helmers Dec., Ex. B, Article IV, Section 3, p. 6).
8. By accepting the Trust's Agreement and Declaration of Trust, Defendant agreed to pay to the Trust liquidated damages equal to twenty percent (20%) of all delinquent and delinquently paid contributions and interest at varying annual rates (see, Ex B attached hereto -- IRC 6621 Table of Underpayment Rates (a)(2))

PLAINTIFF'S MOTION FOR AND AFFIDAVIT FOR  
ENTRY OF DEFAULT JUDGMENT -- C13-213-RAJ  
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Reid, Pedersen, McCarthy & Ballow, L.L.P.  
ATTORNEYS AT LAW  
100 WEST HARRISON STREET • NORTH TOWER, SUITE 300  
SEATTLE, WASHINGTON 98119  
TELEPHONE: (206) 285-0161 • FAX: (206) 285-8925  
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accruing upon such contribution delinquencies, as well as reasonable attorneys' fees and costs the Trust incurs in connection with Defendant's unpaid obligations. (Helmors Dec., Ex. B, Article IV, Section 3, p. 6).

9. Defendant submitted its remittance reports for the months of September 2012 through March 2013 (Helmors Dec., Ex. C), but failed to pay the contributions owed for those months. Therefore, Defendant is obligated to the Trust for unpaid contributions for the months of September 2012 through March 2013 in the amount of \$94,004.74. Based on Defendant's unpaid contributions for the period September 2012 through March 2013, it is accordingly obligated for liquidated damages in the amount of \$18,800.95, as well as interest at the rate of three percent (3%) per annum (see Exhibit B attached hereto) (through 4/29/13) in the amount of \$806.99 for the months of September 2012 through March 2013.
10. See spreadsheet showing the amounts due, their due dates and calculations of interest and liquidated damages. (Helmors Dec., Ex. D).
11. Plaintiff has incurred attorneys' fees of \$689.50 and court costs of \$599.49 in connection with Defendant's unpaid obligations. Exhibit C, attached hereto, sets forth the true and correct itemization of attorney and non-attorney time spent on this matter. The attorney's hourly rate does not incorporate the cost of work performed by non-attorneys. Consistent with *Trustees of Construction Industry v. Redland Insurance Company*, 460 F.3d 1253 (9<sup>th</sup> cir., 2006) the award of fees for both attorneys and non-attorneys is customary and fees for both attorneys and non-

PLAINTIFF'S MOTION FOR AND AFFIDAVIT FOR  
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Reid, Pedersen, McCarthy & Ballew, L.L.P.  
ATTORNEYS AT LAW  
100 WEST HARRISON STREET • NORTH TOWER, SUITE 300  
SEATTLE, WASHINGTON 98119  
TELEPHONE: (206) 205-0461 • FAX: (206) 205-2925  
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attorneys have been approved by numerous judges in the United States District Court for the Western District of Washington. True and correct copies of the Orders awarding fees and declarations showing the fees awarded were for work by attorneys and non-attorneys are attached hereto as Exhibit D.

12. The attorney fees incurred by Plaintiff include work performed by attorney, Russell J. Reid, and non-attorneys, Shelly Azus and Shelly Trahn.
13. Based upon the pleadings heretofore filed with the Court, upon the foregoing information and exhibits hereto, it has been evidenced as follows:
  - A. This action is properly within the jurisdiction of the Court and venue is proper;
  - B. Defendant is in default herein;
  - C. Defendant has contractual obligations to promptly and fully to report for and pay contributions to the Trust at specified rates on behalf of each of Defendant's employees who is a member of the bargaining unit represented by the Local;
  - D. Defendant specifically accepted the Plaintiff Trust's Agreement and thereby agreed to pay Plaintiff Trust liquidated damages equal to twenty percent (20%) of all delinquent and delinquently paid contributions and interest at varying rates accruing on the delinquent contributions from the date due until fully paid, as well as all attorneys' fees and costs, which Plaintiff incurs in the collection of all of Defendant's unpaid obligations;

PLAINTIFF'S MOTION FOR AND AFFIDAVIT FOR  
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Reid, Pedersen, McCarthy & Balley, L.L.P.  
ATTORNEYS AT LAW  
100 WEST HARRISON STREET • NORTH TOWNE, SUITE 300  
SEATTLE, WASHINGTON 98119  
TELEPHONE: (206) 283-0161 • FAX: (206) 283-0925  
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E. Defendant submitted its reports for the period September 2012 through March 2013, but failed to pay the contributions owed in the amount of \$94,004.74 to the Trust for that period. Accordingly, Defendant is obligated to the Plaintiff's Trust for contributions in the amount of \$94,004.74, for liquidated damages in the amount of \$18,800.95, and for pre-judgment interest (through April 29, 2013) in the amount of \$806.99.

F. Defendant is further liable for attorney's fees of \$689.50 and costs of \$599.49.

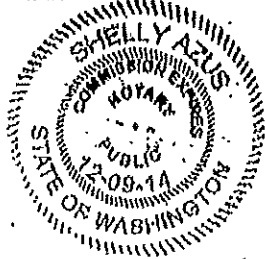
14. Accordingly, Plaintiff is entitled to take judgment against Defendant for the total amount of \$114,901.67: \$94,004.74 in contributions, \$18,800.95 in liquidated damages; \$806.99 in pre-judgment interest; \$689.50 in attorneys' fees, and \$599.49 in costs.

I declare under penalty of perjury under the laws of the State of Washington, that the foregoing is true and correct.

Executed this 28<sup>th</sup> day of April, 2013; at Seattle, King County, Washington.

Russell J. Reid, WSPA #2560

SUBSCRIBED AND SWORN to before me this 28<sup>th</sup> day of April, 2013.



Print Name: Shelly Azus  
Notary Public in and for the State of  
Washington, residing at Covington WA  
My commission expires: 12/09/14

PLAINTIFF'S MOTION FOR AND AFFIDAVIT FOR  
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Reid, Pedersen, McCarthy & Bullew, L.L.P.  
ATTORNEYS AT LAW  
100 WEST HARRISON STREET • NORTH TOWER, SUITE 300  
SEATTLE, WASHINGTON 98109  
TELEPHONE (206) 285-0164 • FAX (206) 285-8923  
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